

**ASSEMBLY BILL**

**No. 1599**

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**Introduced by Assembly Member Beall**

January 4, 2010

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An act to add Article 5.5 (commencing with Section 14183) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 1599, as introduced, Beall. Medi-Cal: alcohol and drug screening and brief intervention services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services.

This bill would establish the Medi-Cal Alcohol and Drug Screening and Brief Intervention Services Program, which would be administered by the department, in consultation with the State Department of Alcohol and Drug Programs, for the purpose of increasing the state's ability to make available alcohol and drug screening and brief intervention services to Medi-Cal beneficiaries who are pregnant women or women of childbearing age by authorizing a public entity, as defined, to provide or contract for these services for Medi-Cal beneficiaries who are pregnant women or women of childbearing age. The bill would require the department to administer the program in accordance with federal certified public expenditure requirements in certifying that a claimed expenditure for alcohol and drug screening and brief intervention services is eligible for federal financial participation. This bill would require the nonfederal share of expenditures submitted to the federal Centers for Medicare and Medicaid Services for purposes of claiming

federal financial participation for services provided pursuant to the program to be comprised of only those funds that are paid by a public entity and certified in accordance with federal certified public expenditure requirements. The bill would require the department to promptly seek any necessary federal approvals for the implementation of the program.

The bill would provide that participation in the program would be voluntary for a qualifying Medi-Cal beneficiary. The bill would also require the fact of whether a beneficiary participates in the program, and the results of any screening done under the program, to be maintained in the beneficiary's confidential medical records, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Screening and brief intervention for alcohol and other drug
- 4 abuse, in emergency rooms, primary care centers, clinics, and other
- 5 settings, have been demonstrated to be valuable and effective tools
- 6 in the prevention, interruption, and treatment of alcohol and other
- 7 drug abuse.
- 8 (b) Alcohol and drug screening and brief intervention services
- 9 should be readily available to patients in emergency rooms, primary
- 10 care centers, clinics, and other appropriate settings.
- 11 (c) A Medi-Cal beneficiary eligible for alcohol and drug
- 12 screening and brief intervention services should not be
- 13 discriminated against based on his or her type of coverage.
- 14 (d) The use of available federal and other funds to support the
- 15 delivery of alcohol and drug screening and brief intervention
- 16 services should be maximized.
- 17 SEC. 2. Article 5.5 (commencing with Section 14183) is added
- 18 to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions
- 19 Code, to read:

Article 5.5. Medi-Cal Alcohol and Drug Screening and Brief  
Intervention Services Program

14183. This article shall be known, and may be cited, as the  
Medi-Cal Alcohol and Drug Screening and Brief Intervention  
Services Program.

14183.1. For purposes of this article, the following definitions  
shall apply:

(a) “Department” means the State Department of Health Care  
Services.

(b) “Public entity” means a county, or other local governmental  
entity designated by the department, that elects to provide or  
contract for alcohol and drug screening and brief intervention  
services for Medi-Cal beneficiaries who are pregnant women or  
women of childbearing age pursuant to this article.

14183.2. (a) The Medi-Cal Alcohol and Drug Screening and  
Brief Intervention Services Program is hereby established.

(b) The department, in consultation with the State Department  
of Alcohol and Drug Programs, shall administer the program for  
the purpose of increasing the state’s ability to make available  
alcohol and drug screening and brief intervention services for  
Medi-Cal beneficiaries who are pregnant women or women of  
childbearing age.

14183.3. (a) The department shall administer this article in  
accordance with federal regulations in certifying that the claimed  
expenditures for alcohol and drug screening and brief intervention  
services for Medi-Cal beneficiaries who are pregnant women or  
women of childbearing age are eligible for federal financial  
participation. The department shall do all of the following in  
accordance with administering this provision:

(1) Provide evidence supporting the certification, as specified  
by the department.

(2) Submit data, as specified by the department, to determine  
the appropriate amounts to claim as expenditures qualifying for  
federal financial participation.

(3) Keep, maintain, and have readily retrievable, any records  
specified by the department to fully disclose reimbursement  
amounts to which the eligible public entity is entitled, and any  
other records required by the federal Centers for Medicare and  
Medicaid Services.

1 (b) The nonfederal share of expenditures submitted to the federal  
2 Centers for Medicare and Medicaid Services for purposes of  
3 claiming federal financial participation shall be comprised of only  
4 those funds that are paid by a public entity, as defined in  
5 subdivision (b) of Section 14183.1, and certified in accordance  
6 with subdivision (a).

7 (c) In administering this article, the department shall do all of  
8 the following:

9 (1) Promptly seek any necessary federal approvals for the  
10 implementation of this article.

11 (2) Submit claims for federal financial participation for the  
12 expenditures for the services described in subdivision (a) that are  
13 allowable expenditures under federal law.

14 (3) Submit, on an annual basis, any necessary materials to the  
15 federal government to provide assurances that claims for federal  
16 financial participation will include only those expenditures that  
17 are allowable under federal law.

18 (4) Create an appropriate mechanism to enable a public entity  
19 to pay the nonfederal share of the cost of providing services  
20 pursuant to this article.

21 (d) Upon receipt of federal reimbursement for the claim,  
22 including federal matching funds, the department shall provide  
23 the reimbursement to the public entity for which the claim was  
24 submitted.

25 (e) The department may implement, interpret, and make specific  
26 this article by means of all-county letters, provider bulletins, and  
27 similar instructions.

28 (f) Participation in the screening and intervention program  
29 established pursuant to this article shall be voluntary for a Medi-Cal  
30 beneficiary. Participation in the program, and results of the  
31 screening, shall be maintained in the beneficiary's confidential  
32 medical records, and subject to all confidentiality requirements  
33 applicable to medical records.

34 (g) It is the intent of the Legislature, in enacting this section, to  
35 provide the alcohol and drug screening and brief intervention  
36 services to Medi-Cal beneficiaries who are pregnant or who are  
37 women of childbearing age without the expenditure of moneys  
38 from the General Fund.

39 (h) A public entity that participates in the program established  
40 pursuant to this article shall, upon receiving federal financial

1 participation for certified public expenditures made for alcohol  
2 and drug screening and brief intervention services, reimburse the  
3 state for any costs of creating and administering the program.

4 (i) A public entity shall, as a condition of receiving federal  
5 financial participation for certified public expenditures made for  
6 alcohol and drug screening and brief intervention services for a  
7 Medi-Cal beneficiary who is pregnant or who is a woman of  
8 childbearing age, enter into, and abide by, an agreement with the  
9 department regarding the implementation of this section and  
10 reimbursement to the department for the department's costs for  
11 administering this section.

12 14183.4. This article shall be implemented only if, and to the  
13 extent that, federal funds are available for this purpose.

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